

FREQUENTLY ASKED QUESTIONS FROM THE NOVEMBER 14-16, 2006 MEETING
WITH STATE STOP ADMINISTRATORS

1. Q: Can STOP dollars support services for men?

 A: Funding may only be directed to those entities whose primary focus is combating violence against women. Section 42 U.S.C. § 3796gg(a) states that "[t]he purpose of this subchapter [part] is to assist States, [s]tate and local courts (including juvenile courts), Indian tribal governments, tribal courts and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women." However, subgrantees must provide services to a similarly situated male victim in need who requests services. Under the anti-discrimination provision of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d(c)(1), STOP-funded programs may not exclude any person from receiving grant-funded services on a number of prohibited grounds, including that person's sex. In addition, in the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Congress specifically provided that "Nothing in this title [which includes the STOP statute] shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title."

2. Q: Can STOP funds be used to support services for children?

 A: STOP funds should be used for projects that serve or focus on adult and teen women who are victims of domestic violence, dating violence, sexual assault, or stalking. In general, victims served with STOP funds must be adults or teens. Under a new purpose area created by VAWA 2005, however, STOP funds may also support "complementary new initiatives and emergency services for victims and their families." For example, STOP funds may support services for secondary victims such as children who witness domestic violence.

3. Q: What type of agencies can receive funds under the set-aside for "culturally specific community-based organizations" and what victim populations may be served?

 A: The set-aside may address "underserved populations" as defined in VAWA 2005, which include "populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General[.]" 42 U.S.C. § 13925(a)(33).

An organization is eligible to receive the culturally-specific set-aside if the organization:

- (1) has a focus on any underserved population;
- (2) is providing services tailored to the unique needs of that population; and,
- (3) at a minimum, has some expertise or demonstrated capacity to work effectively on domestic violence, dating violence, sexual assault or stalking or acquires that expertise through collaboration with another entity.

An organization will qualify for funding if its primary mission is to address the needs of an underserved population or if it has developed a special expertise regarding a particular underserved population. The organization must do more than merely provide services to an underserved population; rather, the organization must provide culturally competent services designed to meet the specific needs of the target population.

In reviewing subgrant applications, states should look not only at the numbers of victims that will be served, but also at how the services will be provided, whether the community to be served has been involved in planning for the delivery of the services, and whether there will be outreach to that community regarding the availability of the services. For example, if an applicant proposes to provide services to deaf victims, the state should consider such things as: line items in the budget for certified interpreters, TTYs, and other assistive technology; a demonstration that the applicant has a knowledge of and collaborative relationships with organizations serving the deaf; established outreach activities to the deaf community; and on-going staff training on deaf culture. A community-based organization that accepts funding to provide services to a particular underserved population cannot exclude others from participating in its programs and activities based on race, color, national origin, sex, religion, disability or age.

4. Q: VAWA 2005 requires states to “ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.” Does “equitably” refer to the whole state, or just the submitted applications?

A: “Equitably” refers to applications submitted to the state. Funds should be distributed to equitably serve those underserved populations represented in the applicant pool. In order to qualify for STOP funds, however, a state must develop an implementation plan that describes how the state will address the needs of underserved populations. In keeping with this obligation, states should reach out to underserved populations to increase their awareness of the availability of funding for culturally and linguistically specific services and how to access STOP funding.

5. Q: Does the Judicial Notification certification apply to local courts not under the control of the state courts?
- A: Generally, no. However, if the local court is a subgrantee, then it should provide such a certification to the state as a condition of receiving the subgrant.
6. Q: Under the Judicial Notice certification, would a state be in compliance if the notice is provided by law enforcement through the incident report, rather than through the courts?
- A: No. This would not qualify as “judicial” notice.
7. Q: Under the STOP Program, can the state create a voucher program where victims are directly given vouchers for such services as housing or counseling?
- A: No. The statutory purposes of the STOP Program do not authorize creation of a voucher program.
8. Q: What entities are covered by the match exemption?
- A: Under VAWA 2005, matching funds cannot be required for a grant or subgrant for any tribe, territory, or victim service provider.
9. Q: Are there situations where victim services providers can be required to provide match?
- A: Yes. The exemption for victim services providers applies only to subgrants awarded under the 30% allocation. If a victim services provider is given a subgrant under another allocation, such as a rape crisis center receiving law enforcement funds for training police, then the victim service provider can be required to provide match. If a subgrant is awarded to a victim service provider to develop or facilitate a coordinated community response, whether they can be required to match would depend on the allocation used to fund the services. To the extent that the subgrant is supporting law enforcement, prosecution, or court purposes and is funded through those allocations, the provider can be required to provide match. For example, if a state gave a \$200,000 subaward to a domestic violence shelter to manage a local coordinating council and \$100,000 was from victim services funds, \$50,000 was from law enforcement funds, and \$50,000 from prosecution funds, then the shelter could be required to provide up to

\$25,000 in matching funds for the \$100,000 dedicated to law enforcement and prosecution purposes.

10. Q: Under the forensic exam certification, is the state required to provide exams for victims of child sexual abuse?

A: No. The certification applies only to adult and teen victims of sexual assault.

11. Q: Can STOP funds be used to provide services to incarcerated victims of domestic violence, dating violence, sexual assault, or stalking?

A: Yes; however, funds may not be used to serve any person incarcerated for committing a crime of domestic violence, dating violence, sexual assault or stalking. Furthermore, the services provided may only address the domestic violence, dating violence, sexual assault, or stalking victimization experienced by the client. Funds should not be used to provide any other types of services, such as rehabilitative services related to the crime committed by the incarcerated individual. Finally, as is the case with the use of all STOP funds, States must use those funds to supplement state funds, and not to supplant state funds that would otherwise be available for the activities funded.

While STOP funds may be used to provide victim services as described above, other federal funds do have restrictions on serving incarcerated victims.